IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3828 of 2007()

CRIME NO.2/07 OF THE EXCISE RANGE, CHENGANNUR.

PETITIONER/ACCUSED:

SADASIVAN NAIR, S/O.KUTTAN NAIR,
AGED 53 YEARS, POONTHALA MANNIL VEETTIL,
ARUVAPPULAM VILLAGE, KOZHANCHERRY TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.VISHNU.R

RESPONDENTS:

EXCISE RANGE INSPECTOR, CHENGANNUR
EXCISE RANGE REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA REPRESENTING STATE OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3828 of 2007

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Dated this the 27th day of June, 2007

O R D E R

Application for regular bail. The petitioner was allegedly found to keep in his possession and transport 12.4 kgs. of ganja. He was allegedly carrying the contraband article from New Delhi to Trivandrum in a train and was intercepted as he was moving out of the Railway Station with the contraband article in his possession. The petitioner was arrested on 6.6.2007 and he continues in custody from that date. The learned counsel for the petitioner submits that the petitioner is innocent and that the theory of seizure is false.

2. The learned Prosecutor opposes the application. Considering the nature of the offence and the magnitude of the operation, the petitioner is not entitled for bail at this stage. The investigators may be given some further time to complete the investigation, in a serious crime like the instant one, submits the Prosecutor.

3. I am satisfied that there is merit in the opposition. It is too early to direct release of the petitioner on bail. The learned counsel

for the petitioner submits that the petitioner is ill. He is afflicted with jaundice and is under treatment, he submits. Those facts do not persuade me to invoke the jurisdiction to grant bail.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the courts for bail again at a later stage of the investigation, not at any rate, prior to 11.7.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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